

REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

Upon entry of the foregoing amendments, (non-elected) claims 24-31 are cancelled, claims 32-39 are added and claims 11, 18-20 and 23 are amended, whereby claims 11-23 and 32-39 will be pending, with claims 11 and 20 being independent claims.

Support for the new and amended claims can be found throughout the present specification (see, e.g., pages 4, 7 and 29 thereof).

Applicants emphasize that the cancellation of claims 24-31 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the cancelled claims in one or more continuation and/or divisional applications.

Summary of Office Action

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statement filed April 3, 2007 by returning a signed copy of the Form PTO-1449 submitted therein.

Applicants also note with appreciation that the Examiner has acknowledged the claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and the receipt of certified copies of the priority documents.

Claims 24-31 are withdrawn from consideration.

Claim 19 is objected to.

Claims 11-17 and 20-22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martens et al., US 2005/0031847 A1 (hereafter "MARTENS").

Claims 18 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MARTENS in view of Lloyd et al., U.S. Patent No. 4,600,620 (hereafter "LLOYD").

Claims 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MARTENS in view of Amundson et al., U.S. Patent No. 6,028,018 (hereafter "AMUNDSON").

Response to Office Action

Reconsideration and withdrawal of the objection and rejections of record are respectfully requested, in view of the foregoing amendments and the following remarks.

Response to Objection to Claim 19

Claim 19 is objected to because of an informality.

Applicants respectfully disagree with the Examiner in this regard. At any rate, claim 19 has been amended as requested by the Examiner, wherefore this objection is moot.

Response to Rejection of Claims under 35 U.S.C. § 103(a) over MARTENS

Claims 11-17 and 20-22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MARTENS. The rejection alleges that MARTENS teaches a non-woven fabric cleansing wipe comprising an aqueous phase and a lipid phase, that the lipid phase can contain soybean oil, cetyl palmitate or mineral oil, that the oil content is at least 50%, and that the aqueous phase can comprise anionic surfactants as emulsifiers in amounts of 0.5-50%. The rejection concedes

that MARTENS fails to teach “a specific embodiment with both the lipid and aqueous phase contained therein” and alleges that one of ordinary skill in the art “would have been motivated to optimize the amounts of surfactant and lipid in the wipe of [MARTENS] for effective removal of oil and water compatible soils”.

Applicants respectfully traverse this rejection. Specifically, it is pointed out that independent claims 11 and 20 unambiguously recite, *inter alia*, that the textile of the claimed cleansing article is impregnated with a preparation which comprises in admixture one or more anionic surfactants and one or more lipids in certain concentrations based on the total weight of the preparation.

In contrast, MARTENS fails to teach or suggest that the fabric disclosed therein is to be impregnated with a preparation which comprises both one or more anionic surfactants and one or more lipids. Rather, MARTENS makes it abundantly clear that the lipid phase and the aqueous phase (which may optionally contain anionic surfactants) are to be applied to the fabric separately, preferably first the lipid phase and then the aqueous phase, and even may be applied to different parts of the textile (wipe), thereby even teaching away from the present cleansing article. For example, paragraphs [0017], [0020], [0190]-[0192], [0245], [0247], [0367], [0368] and [0371] of MARTENS state, *inter alia* (emphasis added):

[0017] These objects are attained by the products according to the present invention, which comprise a sheet that contains an aqueous and a lipid phase. Whereas traditional wet wipes have been based on impregnation of a fabric with one phase, the products of this invention concern the application of two distinctly different phases onto a sheet. Both phases differ in terms of physical properties and may be applied on various parts or portions of the sheet. This approach allows combined optimal cleansing performance and superior skincare properties.

[0020] In a further aspect there is provided a method of manufacturing a product as described herein, said method comprising applying to the sheet a lipid phase and an aqueous phase, either subsequently or simultaneously. In a preferred method of manufacturing, said sheet is first coated with a lipid phase and subsequently sprayed or impregnated with an aqueous phase.

[0190] The lipid phase may be applied to the sheet in various ways. Preferably the lipid phase is applied at the surface or at the surface portion of the sheet, on one or on both sides.

[0191] The lipid phase can be applied evenly or non-evenly to the sheet, non-evenly meaning that the distribution of the amount of the lipid phase varies over the area of the sheet, i.e. some areas of the sheet can have greater or lesser amounts of the lipid phase. Preferably the lipid phase is evenly applied to the area of the sheet.

[0192] The lipid phase can be applied discontinuously or continuously to one or both sides of the fabric, or it may even be applied as a complete covering of one or both surfaces of the fabric.

[0245] The aqueous phase may be applied in various ways as described for the lipid phase, evenly or non-evenly, continuously or non continuously, at the surface or surface portion or, preferably, throughout the whole of the sheet material. Optionally some parts of the sheet can be left dry, i.e. not having the lipid and the aqueous phase, or some parts can only have the lipid or the aqueous phase. The aqueous phase may be applied at both sides or only at one side of the sheet.

[0247] It may also be advantageous to only apply the aqueous phase to only those areas (or that side) of the sheet which have (or has) not already been covered with the lipid phase.

[0367] This invention further [*sic*] concerns a process for preparing a product as defined herein, said process comprising contacting a porous or absorbent sheet with a lipid phase composition and an aqueous phase composition as described herein. The porous or absorbent sheet in particular is made of a non-woven material. The process comprises contacting the sheet [*sic*] simultaneously or subsequently with the lipid phase and the aqueous phase.

[0368] In a particular execution, the process comprises contacting the sheet with a lipid phase and subsequently with an aqueous phase.

[0371] In a particular execution, the carrier material is cut into strips, the transversal size of which being similar to the size of the tissue, wipe or towelette. Subsequently, the lipid and aqueous phases are applied to these strips, preferably first the lipid phase and then the aqueous phase. Thereafter the strips are folded according to methods generally known and applied in the art. In an alternative execution, the lipid phase is applied to these strips, which are subsequently folded and the thus folded strips are moistened with the aqueous phase as, said moistening preferably comprising spraying or dripping, or by immersing in or running the strip through a bath containing the aqueous phase. The latter can also be sprayed or printed onto the strips.

See also Example 3 of MARTENS.

Applicants further point out that in view of the fact that according to MARTENS the lipids and the surfactants, if any, are applied separately to the fabric, the Examiner's reliance on paragraphs [0088] and [00363] of MARTENS is without merit. In particular, paragraph [0088] of MARTENS refers to the concentration of lipids in the lipid phase and paragraph [0363] of MARTENS refers to the concentration of emulsifier(s) in the aqueous phase. Since lipid phase and aqueous phase of MARTENS are "distinctly different phases" it is impossible (and would not make sense) to calculate the concentration of lipids and emulsifier(s) in the combined lipid and aqueous phases.

Applicants submit that for at least all of the foregoing reasons, MARTENS is unable to render obvious the subject matter of any of the present claims, wherefore the rejection of claims 11-17 and 20-22 under 35 U.S.C. § 103(a) over MARTENS is unwarranted and should be withdrawn, which action is respectfully requested.

Response to Remaining Rejection of Claims under 35 U.S.C. § 103(a)

Dependent claims 18 and 23 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MARTENS in view of LLOYD and dependent claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MARTENS in view of AMUNDSON.

Applicants respectfully traverse these rejections as well. In particular, claims 18, 19 and 23 are not rendered obvious by MARTENS in view of LLOYD and AMUNDSON for at least all of the reasons why the corresponding independent claims are not rendered obvious by MARTENS (see above comments).

Applicants further point out that as correctly noted by the Examiner, LLOYD teaches articles which are suitable for wiping hard surfaces. For example, the abstract of LLOYD states (emphasis

added):

A wiping cloth or the like, suitable for wiping glossy hard surfaces, comprises a sheet substrate carrying a liquid, for example, a streak-free cleaning composition. At least one external (wiping) surface of the substrate has flattened areas including thermoplastic material coalesced by the application of heat and pressure and open areas, and this external surface is immediately adjacent to a core of bulky high-porosity fibrous sheet material.

In contrast, MARTENS clearly is directed to wipes which are to be used on skin. In this regard, see, e.g., paragraphs [0013] to [0017] of MARTENS which state (emphasis added):

[0013] It is an object of this invention to offer a cleansing article and in particular a wet wipe product that allows to independently optimize the cleansing and skincare attributes of the product and at the same time improves the delivery of skincare actives onto the skin during use.

[0014] It is a further object of this invention to provide products that have an improved release of the active ingredient(s) onto the skin during use.

[0015] It is still a further object of the present invention to provide a product for use as a cleansing tool that effectively and completely removes oil and water compatible soils.

[0016] Another object of this invention is to provide products for cleansing and other applications that allow convenient and quick application, are easy to carry, as well as an easier and more evenly distribution of the ingredients in or on the product. They moreover should be convenient for application on babies and children.

[0017] These objects are attained by the products according to the present invention, which comprise a sheet that contains an aqueous and a lipid phase. Whereas traditional wet wipes have been based on impregnation of a fabric with one phase, the products of this invention concern the application of two distinctly different phases onto a sheet. Both phases differ in terms of physical properties and may be applied on various parts or portions of the sheet. This approach allows combined optimal cleansing performance and superior skincare properties.

Accordingly, it is not seen that there is any reason for one of ordinary skill in the art to combine the teachings of MARTENS and LLOYD and in particular, to consult LLOYD for suggestions regarding suitable substrate materials for the skin wipes of MARTENS, and neither has the Examiner provided any explanation in this regard.

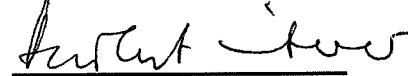
P29932.A04

It is submitted that for at least all of the reasons set forth above, the rejection of dependent claims 18, 19 and 23 under 35 U.S.C. § 103(a) is without merit as well, wherefore withdrawal thereof is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
Albrecht DOERSCHNER et al.



Neil F. Greenblum
Reg. No. 28,394

Heribert F. Muensterer
Reg. No. 50,417

June 22, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
(703) 716-1191